

ORD. 1.33.020

ORD. [2012-49]

**BUSINESS OF THE CITY COUNCIL
YAKIMA, WASHINGTON
AGENDA STATEMENT**

Item No. _____

For Meeting Of December 4, 2012

ITEM TITLE: Amendment of the Downtown Yakima Business Improvement District Advisory Board reflecting a reduced membership and revised election process, as required by the Ordinance that modified the Downtown Yakima Business Improvement District.

SUBMITTED BY: Jeff Cutter, City Attorney

CONTACT PERSON/TELEPHONE: Jeff Cutter - 575-6030

SUMMARY EXPLANATION: The City Council recently modified the Downtown Yakima Business Improvement District (DYBID) to reduce the DYBID assessment area to a single zone. The modification requires a corresponding amendment to YMC 1.33.020 to make the election of DYBID Advisory Board members consistent with the single zone. During the October 16, 2012 City Council meeting the Council decided to reduce the Advisory Board membership from 7 members to 5 members. The current Advisory Board has recently indicated it is not fully in agreement with the Council's change to the Board's membership. Since the initial election of the presently seated seven Board members has already occurred, the amended Board membership serving out the first terms that began earlier this year shall be decided by them. Future elections and the conditions applying to them shall be provided in By-Laws the Board shall develop. As amended, there are to be five Board members chosen from applicants within the DYBID assessment area and meeting the general membership requirements. The Board shall be elected by votes cast by the assessed business owners and operators within the DYBID area, all in accord with the provisions of the attached Ordinance, and shall serve terms as set forth therein.

Resolution _____ Ordinance <u> X </u> Contract _____ Other(Specify) _____
Contract _____ Mail to (name and address): _____
Phone: _____
Funding Source _____
APPROVED FOR SUBMITTAL: _____
City Manager

STAFF RECOMMENDATION: Approve the Ordinance in accord with the conditions of the DYBID

BOARD/COMMISSION/COMMITTEE RECOMMENDATION:

Chapter 1.33

DOWNTOWN YAKIMA BUSINESS IMPROVEMENT DISTRICT (DYBID) ADVISORY BOARD

Sections:

1.33.010 DYBID advisory board created.

1.33.020 Election and term of members.

1.33.030 Appointment of the chairperson, vice-chairperson, and secretary.

1.33.040 Meetings—Removal of members.

1.33.050 Duties.

1.33.010 DYBID advisory board created.

A DYBID advisory board is created as an advisory body to make recommendations to the city council on issues affecting the operation of the DYBID formed by city council through Ordinance 2011-58. The advisory board shall provide a direct line of communication between the assessed participants of the DYBID and the city council and shall generally provide the council with reports of the sufficiency of the services provided through the district, complaints or observations from assessed members of the district and requests for consideration of modifications to the district to meet the intended and expressed goals described in the ordinance establishing the DYBID. (Ord. 2012-01 § 1 (part), 2012).

1.33.020 Election and term of members.

A. The DYBID advisory board shall consist of five members elected from among the assessed business owners and operators within the DYBID by the district's assessed business owners and operators.

1. Election. The assessed business owners and operators of the DYBID shall conduct an election process culminating in the election of five advisory board members from among the business owners and operators assessed by the DYBID who choose to seek election, all in accord with the provisions of this chapter. The election process shall be conducted by the existing membership of the DYBID advisory board as provided in subsection (A)(2) of this section.

2. Advisory Board. The advisory board representation shall be comprised of five members elected from among the business owners and operators assessed by the DYBID. Following the

initial election process the advisory board shall be responsible to conduct all subsequent application and election processes on behalf of the district, in a manner consistent with this chapter and as decided upon by the board. The specific application and election process shall be described in the advisory board bylaws established by the board.

B. All advisory board members must represent business owners and operators assessed by the DYBID and shall reflect the diversity of population of the city of Yakima, including its racial, sexual, ethnic, cultural, educational and work force segments as well as other aspects of the community.

C. Each advisory board member shall serve a three-year term and shall be eligible for reelection, with a limit of three consecutive terms served by any individual member; provided, the board members initially elected to the board shall serve terms as follows: two board members shall be elected for one-year terms, two board members shall be elected for two-year terms and one board member shall be elected for a three-year term. Any mid-term vacancy shall be filled for the unexpired term in the same manner as established for the general board election process and in accord with the terms of this chapter. (Ord. 2012-49 § 1, 2012: Ord. 2012-01 § 1 (part), 2012).

1.33.030 Appointment of the chairperson, vice-chairperson, and secretary.

A. Upon the first meeting of the advisory board following initial appointment and thereafter annually at the first meeting of the advisory board after January 1st of each year, the members of the board shall appoint one of their number as the chairperson, one as vice-chairperson, and one as secretary, which persons shall hold office for one year and until their successors are appointed. Board members appointed to the positions identified in this section may be reappointed for up to three consecutive terms to the same position. (Ord. 2012-01 § 1 (part), 2012).

1.33.040 Meetings—Removal of members.

A. The advisory board shall hold a regular meeting at least once every three months (quarterly). The meetings shall be open to the assessed participants of the DYBID as well as the general public. If a member of the board does not attend two consecutive regular meetings, unless excused by vote of the board, his or her membership shall automatically terminate and a replacement member shall be elected in accord with the provisions of this chapter. Special meetings may be called at any time by the chairperson, vice-chairperson or by three board members requesting a special meeting. Minutes of each meeting shall be kept by the secretary and sent to the city manager and city council.

B. Any member of the board may be removed from the board by a vote of the majority of the advisory board members. Any resultant vacancy shall be filled for the remainder of the term assigned to the vacated position in accord with the provisions of this chapter. (Ord. 2012-01 § 1 (part), 2012).

1.33.050 Duties.

The DYBID advisory board shall:

- A. Hold a board meeting within one month of the appointment of the initial board members, during which the positions identified in YMC 1.33.030 shall be decided, and during which the board members shall prepare a set of bylaws to provide for the orderly conduct of the meetings and business of the advisory board, establishing the specific means by which the objectives and requirements of this chapter shall be met and generally establishing the operational framework of the advisory board.
- B. Meet together as a board, making provision for DYBID assessed business owners and operators that choose to attend said meetings to be present and permitted a reasonable opportunity to participate therein. The board shall consider and discuss input from the assessed business owners and operators within the DYBID, the quality and sufficiency of the services provided by the entity or entities contracting with the city for the services described in the DYBID establishing ordinance, and generally how the district might better meet the desires of those assessed for the services provided. The advisory board shall be expected to communicate the reports, requests and recommendations generated as a result of the regular board meetings to the city council on an ongoing basis.
- C. Appear before the city council on a quarterly basis at a time set by cooperation of the board chairperson and the Yakima city clerk, at which time the board representative shall present any reports, concerns or requests that the board would like the city council to consider on behalf of the DYBID. No less than annually the board shall submit a written advisory report to the city council that comprehensively describes the prior year's service performance and how well expectations consistent with the scope of services identified in the DYBID establishing ordinance have been accomplished. The annual report will also include all recommendations of the board regarding the continuing operation of the district.
- D. Consider unresolved complaints and disagreements between assessed business owners and operators and those providing services on behalf of the DYBID and advise the city council of issues requiring attention.
- E. Perform such other duties as the board deems appropriate to fulfill the duties and purposes set forth in this chapter on behalf of the district. (Ord. 2012-01 § 1 (part), 2012).

The Yakima Municipal Code is current through Ordinance 2020-001, passed January 7, 2020.

Disclaimer: The city clerk's office has the official version of the Yakima Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

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City Website: <https://www.yakimawa.gov/>

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